

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Annemarie Louise Sabb et al.  
Application No.: To Be Assigned Group Art No.:  
Continuation of SN 10/244,773  
Filed: Examiner:  
For: 2,3,4,4a-Tetrahydro-1H-Pyrazino[1,2-a]Quinoxalin-5(6H)One  
Derivatives  
Confirmation No.: To Be Assigned  
Customer Number: 25291

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):  
Annmarie Louise Sabb;

For: 2,3,4,4a-Tetrahydro-1H-Pyrazino[1,2-a]Quinoxalin-5(6H)One Derivatives.

1. This new application is for a:

☐ Divisional  
☒ Continuation  
☐ Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC 120)

This new application being transmitted claims the benefit of prior U.S. application(s)  
Serial No. 10/244,773, filed on September 16, 2002, which is a divisional of Serial No.  
09/891,593, filed on June 26, 2001, which is a continuation-in-part of U.S. Application  
Serial No. 09/455,220, filed on December 6, 1999, which claims the benefit of U.S.  
Provisional Application No. 60/172,234.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815541US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 1, 2003  
Date

Paula L. Dickey  
Paula L. Dickey

3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
- ☒ Pages of specification – 33 pages
  - ☐ Sequence Listing –            pages on
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ Paper
  - ☒ Pages of claims – 4 pages
  - ☒ Page(s) of abstract – 1 pages
  - Sheets of drawing –            pages
    - ☐ Formal
    - ☐ Informal
4. Additional papers enclosed
- ☒ Information Disclosure Statement
  - ☒ Form PTO-1449
  - ☐ Citations
  - ☐ Statement of Biological Deposit
  - ☐ Computer Readable Form of Sequence Listing
  - ☐ Statement Under 37 CFR 1.821(f)
  - ☒ Application Data Sheet
  - ☒ Other: Request to Delete Inventor and Communication
5. Declaration
- ☒ Copies from prior applications (37 CFR 1.63 (d)) 09/455,220 and 09/891,593 are enclosed
  - ☐ New declaration enclosed and executed by all inventor(s)
  - ☐ New declaration not enclosed or not executed by all inventor(s)
6. Assignment
- An assignment of the invention to:
- Wyeth (Formerly American Home Products Corporation)  
Five Giralda Farms  
Madison, New Jersey 07940-0874
- ☒ was made in the prior application and recorded in PTO on June 26, 2001, Reel 011946, Frame 0800.
  - ☐ is attached under separate Recordation Form Cover Sheet.
  - ☐ will follow.
7. Incorporation By Reference
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
8. Amendments
- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

## 9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

## 10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$770.00
TOTAL CLAIMS	19	0	x \$ 18.00	0.00
INDEPENDENT CLAIMS	3	0	x \$ 86.00	0.00
MULTIPLE DEPENDENCY FEE			\$ 290.00	
		<b>Total Filing Fee:</b>		<b>\$770.00</b>

11. Fee payment being made at this time: \$770.00

## 12. Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of \$770.00

A duplicate of this transmittal is attached.

## 13. Instructions as to Overpayment:

Credit any overpayment to Deposit Account No. 01-1425.

## 14. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:

☒ 37 CFR 1.16(a), (f), or (g) filing fees

☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims

☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.

☒ 37 CFR 1.17 application processing fees

## 15. Relate Back (35 USC 120)

☐ Amend the Specification as requested in the accompanying Preliminary Amendment to insert before the first line the sentence:

--This is a continuation of copending application(s) application number \_\_\_\_\_ filed on \_\_\_\_\_ the entire disclosure of which is hereby incorporated by reference.--

## 16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)
- ☐ the same
- ☒ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

Sharon J. Rosenzweig-Lipson

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)
- ☐ the same
- ☐ the following additional inventors have been added:

## 17. Maintenance of Cependency of Prior Application

- (a) ☐ Extension of Time in Prior Application
- ☐ A petition, fee and response extends the term in the pending prior application until .
- ☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.
- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

18. **REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).**

- ☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.

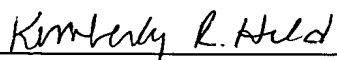
19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Kimberly R. Hild  
Tel. No. 484 865 8610

20. ☒ Return Receipt Postcard is attached.

  
\_\_\_\_\_  
Kimberly R. Hild  
Attorney for Applicants  
Reg. No. 39,224

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. 484 865 8610

PATENT  
Docket No. AHP98353C1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Sabb, et al.

**Serial No.** To be assigned      **Examiner:** To be assigned  
Continuation of Serial No. 10/244,773

**Filed:** To be assigned      **Art Unit:** To be assigned

**Confirmation No:** To be assigned

**Title:** 2,3,4,4a-TETRAHYDRO-1H-PYRAZINO[1,2-a]  
QUINOXALIN-5(6H)ONE DERIVATIVES

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December 1, 2003  
Date

Paula L. Dickey  
Paula L. Dickey

**COMMUNICATION**

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a continuation of U.S. Application Serial No. 10/244,773 filed on September 16, 2002 (hereinafter referred to as "parent application"). Please consider the following remarks prior to examining the application.

**Status of Claims**

Claims 1 to 19 are pending.

**Remarks**

The specification has been amended relative to the parent application to update the “Cross Reference To Related Applications” on page 1 of the specification.

The “Abstract Of The Disclosure” has been amended with respect to variables  $R_1$  to  $R_4$  and the proviso. This amendment is supported by the parent, grandparent and great grandparent applications, for example, at page 2, line 21 to page 3, line 9 of grandparent application 09/891,593, and originally filed claim 1 of great grandparent application 09/455,220.

Claims 1 to 19 are new relative to the parent application and claim subject matter that was disclosed but not claimed in the parent or grandparent applications. The claims are fully supported by the prior parent, grandparent and great grandparent applications, for example as shown in the following table:

<b>Claim</b>	<b>Support for Claim</b>
1	page 2, line 21 to page 3, line 9 of grandparent application 09/891,593, and originally filed claim 1 of great grandparent application 09/455,220.
2, 5	page 4, lines 15 to 17 of grandparent application
3, 6, 7	page 2, line 21 to page 3, line 9 of grandparent application
4	page 4, lines 19 to 24 of grandparent application
8 to 12, 14, 15, 17, 18	page 2, line 21 to page 3, line 9, and pages 17-30 (Examples 1-11) of grandparent application. Original claims 1 to 4 of great grandparent application.
13, 16, 19	page 15, lines 6 to 10 of grandparent application.

No new matter is added by the amendments to the specification and new claims.

**CONCLUSION**

Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kimberly R. Hild".

Kimberly R. Hild  
Registration No. 39,224

Date: December 1, 2003

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (484) 865-8610



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Sabb et al.  
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(Continuation 10/244,773)  
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December 1, 2003  
Date

Paula L. Dickey  
Paula L. Dickey

**REQUEST TO DELETE INVENTOR**  
**PURSUANT TO 37 C.F.R. §1.63(d)(2)**

This is a request to delete an inventor for the above-identified application pursuant to 37 C.F.R. §1.63(d)(2). It is respectfully requested that:

SHARON J. ROSENZWEIG-LIPSON

be deleted as an inventor from the above-identified application. The following circumstances make deletion under 37 C.F.R. §1.63(d)(2) appropriate:

1) The above-identified application is a continuation of U.S. Application Serial No. 10/244,773, which is a divisional U.S. Application Serial No. 09/891,593, which is a continuation-in-part of U.S. Application Serial No. 09/455,220;

2) Dr. Sharon J. Rosenzweig-Lipson was added as an inventor in the 09/891,593 application relative to its parent application 09/455,220; and

3) The invention of Dr. Sharon J. Rosenzweig-Lipson is not being claimed in the present application.

Accordingly, deletion of inventorship is requested under 37 C.F.R. §1.63(d)(2)

Although it is believed that no fee is due, the Commissioner for Patents is hereby authorized to charge to our deposit account 01-1425 any processing fee such as that set forth in 37 C.F.R. §1.17(i) as well as any other fee incurred in connection with the filing of this request.

Respectfully Submitted,



Kimberly R. Hild  
Registration No. 39,224

December 1, 2003

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (484) 865-8610